

## CONGRESSIONAL RECORD SUMMARY

Monday, September 9, 2002

### SENATE

#### Measures Introduced:

**S. 2913.** A bill to *amend the Employee Retirement Income Security Act of 1974*, the Public Health Service Act, and the Internal Revenue Code of 1986 to provide health insurance protections for individuals who are living organ donors; to the Committee on Health, Education, Labor, and Pensions.

DeWine

*Pages S 8384, S 8386*

**S. 2915.** A bill to *provide for cancellation of student loan indebtedness* for spouses, surviving joint debtors, and parents of individuals who died or became permanently and totally disabled due to injuries suffered in the terrorist attack on September 11, 2001; to the Committee on Health, Education, Labor, and Pensions.

Schumer

*Page S 8384*

#### Measure Reported:

**S. 2598,** to enhance the criminal penalties for illegal trafficking of archaeological resources, with an amendment in the nature of a substitute. (Senate Report No. 107-258)

*Pages S 8383, D 905*

#### Measures Passed:

**National Construction Safety Team Act: Senate passed H.R. 4687,** to provide for the establishment of investigative teams to assess building performance and emergency response and evacuation procedures in the wake of any building failure that has resulted in substantial loss of life or that posed significant potential of substantial loss of life, after agreeing to the following amendment proposed thereto:

*Pages S 8391-2, D 905*

**Reid (for Hollings) Amendment No. 4514,** in the nature of a substitute.

*Pages S 8392, D 906*

#### H.R. 5005. Homeland Security Act:

**Senate resumed consideration of H.R. 5005,** to establish the Department of Homeland Security, taking action on the following amendments proposed thereto:

*Pages S 8350, S 8352-67, D 906*

**See Pages S 8389-91: Amendment SA 4512 as submitted by Mr. Craig to Lieberman Amendment SA 4471.**

#### **SEC. 5. BRIEFINGS, HEARINGS, WITNESSES, AND SUBPOENAS.**

*(f) Failure To Obey Subpoena.--If a person disobeys a subpoena issued by the Director under this Act, the Attorney General, acting on behalf of the Director, may bring a civil action in a district court of the United States to enforce the subpoena. An action under this subsection may be brought in the judicial district in which the person against whom the action is brought resides, is found, or does business. The court may punish a failure to obey an order of the court to comply with the subpoena as a contempt of court.*

#### H.R. 5005. Homeland Security Act (Cont'd.):

**Pending:**

***Lieberman Amendment No. 4471***, in the nature of a substitute.

*Pages S 8350, S 8352-67, D 906*

***Thompson/Warner Amendment No. 4513 (to Amendment No. 4471)***, to strike title II, establishing the National Office for Combating Terrorism, and title III, developing the National Strategy for Combating Terrorism and Homeland Security Response for detection, prevention, protection, response, and recover to counter terrorist threats.

*Pages S 8352-67, D 906*

A unanimous-consent agreement was reached providing for further consideration of the bill at 2:15 p.m. on Tuesday, September 10, 2002.

*Pages S 8392, D 906*

**Executive Reports of Committees:**

**Senate received the following executive report of a committee: Received on Friday, September 6, 2002 during the adjournment of the Senate:**

Report to accompany Convention On The Elimination Of All Forms Of Discrimination Against Women (Treaty Doc. 96-53) (Ex. Rept. 107-9).

*Pages S 8383-4, D 906*

**Nominations Confirmed:**

**Senate confirmed the following nomination:**

***By unanimous vote of 82 yeas (Vote No. EX. 211), Kenneth A. Marra, of Florida, to be United States District Judge for the Southern District of Florida.***

*Pages S 8340-50, S 8392, D 906*

*"...I do believe that Judge Kenneth Marra will be confirmed to the U.S. District Court for the Southern District of Florida. I have heard of no opposition. This is a judge who got strong bipartisan support in the Senate Judiciary Committee, which usually guarantees a confirmation on the floor. When that happens, the Democratic-led Senate will confirm its 74th judicial nomination made by President George W. Bush. This will also be the 25th judicial emergency vacancy that we have filled since I became chairman last summer, and the 18th since the beginning of this year. [ ] All too often the only defense of their record we hear is the claim that President Clinton ultimately appointed 377 judicial nominees, 5 fewer than President Reagan. This statement overlooks the fact that the Republicans only allowed 245 of President Clinton's judicial nominees to be confirmed. That averages, incidentally, to about 38 confirmations per year during their 6 ½ years of control. We confirmed 74 judicial nominees in less than 15 months, including 13 to the circuit courts. I believe we have reported 80 out of the Judiciary Committee. ..." (Leahy, page S 8340)*

*"... Mr. President, we are about to close President Bush's first 2 years in office having failed the standards set by Chairmen Biden and Thurmond. That is nothing over which to be proud. We still have 80 vacancies on the courts, and 32 emergency vacancies..." (Hatch, page S 8344)*

**Executive Communications:**

***EC-8637. A communication from the Chief Justice of the Supreme Court, transmitting, pursuant to law, the Report of the Proceedings of the Judicial Conference of the United States; to the Committee on the***

***Judiciary.***

**EC-8641.** A communication from the General Counsel, Executive Office for Immigration Review, Department of Justice, transmitting, pursuant to law, the report of a rule entitled "*Board of Immigration Appeals; Procedural Reforms to Improve Case Management*" (RIN1125-AA36) received on August 27, 2002; to the Committee on the Judiciary.

**EC-8642.** *A communication from the Clerk of the Court of Federal Claims, transmitting, pursuant to law, the report of the Court for the period October 1, 2000 through September 30, 2001; to the Committee on the Judiciary.*

*Page S 8376*

**Committee Meetings For Tuesday, September 10, 2002:**

**Committee on Commerce, Science, and Transportation:** @ 9:30 a.m. To hold hearings to examine the status of aviation security one year after September 11, 2001. SR-253.

**Committee on the Judiciary:** @ 9:30 a.m. *To hold hearings to examine the implementation of the USA PATRIOT Act, focusing on the expansion of the Foreign Intelligence Surveillance Act (FISA), in which the standards for courts to approve surveillance of foreign intelligence gathering are far less demanding than those required for approval of a criminal wiretap.* SD-226.

*Page D 908*

**Remarks:**

**Important Issues Before The Senate.**

*"...I told President Bush on Wednesday: If you want that legislation which you have talked about passed, you have to realize that you have to come out and get off this kick of having tort reform in addition to this terrorism insurance..."*

Reid

*Pages S 8336-7*

**Judicial Nominations.**

*"... Whatever you may be able to say about might be wrong with this nominee--because maybe she is too conservative, or maybe on she did not meet some litmus test from the liberal outside interest groups or because she didn't meet the test of a particular Senator--in no way could you describe this nominee as not being qualified or as being unqualified. I am very worried when we see this sort of pattern developing. There have probably been very few nominees in the past to serve on the Fifth Circuit Court of Appeals more qualified than this nominee by every category you might bring to bear..."*

Lott

*Pages S 8350-1*

Stopping The Litigation Lottery.

Frist

*Pages S 8369-71*

**HOUSE**

**Bills Introduced:**

**H.R. 5348.** *A bill to amend title 11 of the United States Code to protect family farmers and family fishermen; to the Committee on the Judiciary.*

**H. Res. 519.** A resolution providing for consideration of the bill (**H.R. 1343**) to provide Federal assistance to States and local jurisdictions to prosecute hate crimes, and for other purposes; to the Committee on Rules.

**Report Filed:****Report was filed today as follows:**

**H.R. 1701**, to amend the Consumer Credit Protection Act to assure meaningful disclosures of the terms of rental-purchase agreements, including disclosures of all costs to consumers under such agreements, to provide certain substantive rights to consumers under such agreements, amended (House Report 107-590, Pt. 2).

Pages H 6128, D 907

**Motion to Instruct Conferees—H.R. 3210. Terrorism Risk Protection Act:**

Representative Fossella announced his intention to offer a motion to instruct conferees on **H.R. 3210**, to ensure the continued financial capacity of insurers to provide coverage for risks from terrorism, to agree to the provisions contained in section 11 of the Senate amendment, relating to satisfaction of judgments from frozen assets of terrorists, terrorist organizations, and state sponsors of terrorism.

Pages H 6107, D 907

**Executive Communication:**

**EC.-8961.** A letter from the Assistant Secretary for Legislative Affairs, Department of State, transmitting the redesignation as “*foreign terrorist organizations*” pursuant to Section 219 of the Immigration and Nationality Act, as added by the Antiterrorism and Effective Death Penalty Act of 1996, and amended by the Illegal Immigration Reform and Immigrant Responsibility Act of 1996; to the Committee on International Relations.

Page H 6127

**Committee Meetings For Tuesday, September 10, 2002:**

**Committee on Education and the Workforce**, @ 10:30 a.m. Subcommittee on Employer-Employee Relations, hearing entitled “*Retirement Security for American Workers: Examining Pension Enforcement and Accountability.*” 2175 Rayburn

**Committee on House Administration**, @ 1:30 p.m. Hearing on Capitol Security, Emergency Preparedness, and Infrastructure Upgrades since September 11. 1310 Longworth.

Page D 908

**Committee Meetings For Tuesday, September 10, 2002 (Cont’d.):**

**Committee on the Judiciary**, @ 10:00 a.m. To continue markup of the following bills: **H.R. 4600**, Help Efficient, Accessible, Low Cost, Timely Health Care (HEALTH) Act 2002; and **H.R. 4689**, *Fairness in Sentencing Act of 2002*; and to mark up the following bills: **S. 2690**, to reaffirm the reference to one Nation under God in the Pledge of Allegiance; **H.R. 4125**, *Federal Courts Improvement Act of 2002*; and **H.R. 4561**, *Federal Agency Protection of Privacy Act*. 2141 Rayburn.

**Remarks:**

**NextWave Auction Bill.**

*"...The Supreme Court will not hear argument in the case until the fall of 2002 and is unlikely to announce a decision until the spring of 2003. If the Court reverses the D.C. Circuit's decision, there will be further litigation on remand in D.C. Circuit to resolve issues that court did not reach in its first decision. [ ] Now, the status of NextWave's license has been the subject of extended litigation in not only the bankruptcy court, but the United States Court of Appeals for the Second Circuit, the United States Court of Appeals for the District of Columbia Circuit, and soon to be, the Supreme Court of the United States..."*

Stearns

*Pages H 6088-9*

**Bankruptcy Reform.**

Pence

*Page H 6108*

**Defending Our Borders.**

Tancredo

*Pages H 6122-5*

**Next SENATE MEETING: Tuesday, 9:30 a.m., September 10, 2002.**

**Next HOUSE MEETING: Tuesday, 9:00 a.m., September 10, 2002.**

**OLA: S. Schwarz, A. Santos**